



# **AZ POST**

## **QUARTERLY INTEGRITY BULLETIN**

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The Arizona Peace Officer Standards and Training Board (AZ POST) is mandated by the legislature to establish and enforce the physical, mental, and moral fitness standards for all peace officers in the state. The Board meets the charge to protect the public by overseeing the integrity of Arizona's law enforcement officers by reviewing cases and taking action against the certification of individuals who violate the AZ POST Rules. The following is a summary of the actions taken by the Arizona Peace Officer Standards and Training Board at its July, August and September 2016, public meetings. These actions are not precedent setting, in the sense that similar cases will end with the same result, because each case is considered on its individual facts and circumstances.

The Board publishes this bulletin to provide insight into the Board's position on various types of officer misconduct. As always, the Compliance Specialist for your agency is available to discuss any matter and to assist you with any questions you might have.

### **REVOCATIONS:**

Officer A failed to respond in a timely manner, failed to follow orders and delayed his response to a service call leaving another officer without backup or assistance for at least four minutes.

Deputy B committed several acts of physical abuse against his minor son.

Officer C engaged in an inappropriate relationship with a 17-year old female and on two occasions (one under Garrity) gave false statements to investigators regarding this relationship.

Officer D unlawfully consumed alcohol while in possession of a firearm, recklessly exhibited his off-duty weapon while on the premises of an on-sale retailer and became involved in a physical altercation. He also gave false, misleading and inaccurate statements to investigators; prior to and under Garrity.

Deputy E authored a report which contained inaccurate details that led to the arrest of a subject; charges were eventually dismissed. He also ran the names of two individuals through ACJIS without a valid law enforcement reason.

Officer F, while on-duty, was involved in a three vehicle collision while under the influence of an intoxicating beverage.

Officer G, while on-duty and responding to an emergency call, drove over the posted speed limit without regard for location and lighting conditions, violated department policy by responding without the use of lights and siren, and struck and killed a pedestrian in the middle of the road.

## **SUSPENSIONS:**

- A detective used excessive force when he delivered a foot strike to the back of a subject's head as the subject was in a prone position. (240-hour suspension)
- An officer used his department mobile data terminal to acquire recent burglary information and provide that information to a commercial alarm company. (23-day suspension)
- An officer, while off-duty, was arrested for driving under the influence of an intoxicating beverage. (3-year suspension)
- An officer violated department policy by authoring reports that did not accurately reflect recordings from his body camera and he also failed to submit evidence seized during an investigation. (3-year suspension)
- A deputy interfered with an on-going criminal investigation based upon his friendship with the suspect and the suspect's spouse. (2-year suspension)
- An officer, while off-duty, was arrested for driving under the influence of an intoxicating beverage and a BAC of 0.184% and 0.179%. (6-month suspension)
- An officer pepper sprayed an individual who was yelling obscenities at him and another officer after being told to leave a specific area. The officer laughed after pepper spraying the individual. (240-hour suspension)
- An officer told his partner to pepper spray an individual who was yelling obscenities at them after being told to leave a specific area. The officer laughed after pepper spraying the individual. (240-hour suspension)
- An officer was the subject of several complaints, received two suspensions and took a voluntary demotion before retiring. (1-year suspension)
- A sergeant, while off-duty, was observed driving on the wrong side of the road and was subsequently determined to have a BAC of 0.258%. (2-year suspension)

## **VOLUNTARY RELINQUISHMENTS:**

The scenarios stated here reflect the allegations giving rise to the POST case, but the facts were not proven before the Board.

- An officer lied during a post-Garrity interview when he stated he traveled out of town to attend training and when he could not find the exact location of the training, he returned home; it was later determined he never traveled to the training destination. He also posted a Facebook entry that turned out to be fabricated. He later admitted both accounts were untruthful during a subsequent interview and polygraph examination.
- An officer is pending prosecution for tipping off a business that they were being watched by undercover investigators.
- An officer repeatedly yelled obscenities at officers who responded to a bar fight. He was instructed not to drive because he appeared intoxicated; but drove away on his personal motorcycle anyway. He was speeding, ran a red light and failed to navigate a curve and overturned his motorcycle. He was cited and pled guilty to DUI.
- An officer had off-duty sexual relations with a minor who was a member of the Explorer Program.
- A detective refused to submit to a Portable Breath Test (PBT) and was untruthful regarding conversations he stated he had with supervisors when in fact those conversations never occurred.

### **DENIAL OF PEACE OFFICER CERTIFICATION:**

- An applicant falsified various preliminary applicant questionnaires and an AZ POST Personal History and Application for Certification Form by omitting previous agency applications and illegal drug use.

### **NO ACTIONS:**

On July, August and September 2016, the Board voted to close out the following cases without initiating a Complaint for disciplinary action. This is neither a finding that no misconduct occurred nor a comment that the Board condones the conduct. In fact, the Board's rules are very broad and all misconduct violates one or more of the disciplinary rules. The Board may choose not to initiate a Complaint in a case even though there is misconduct if, considering all the circumstances, including agency discipline, the conduct does not rise to the level requiring a formal administrative proceeding. In many of these cases, the Board makes a statement that the conduct is an important consideration for a future hiring agency. By not taking disciplinary action, the Board leaves the matter to the discretion of an agency head who may choose to consider the officer for appointment. The Board relies on and enforces the statutory requirement of A.R.S. §41-1828.01 that agencies share information about misconduct with each other, even in cases where the Board has chosen not to take additional independent disciplinary action. Additionally, in some of these cases, further information is necessary before a charging decision can be properly made.

- A sergeant, while off-duty and driving his personally owned vehicle, was arrested and charged with driving under the influence of intoxicating liquor.
- An officer, while off-duty, was observed driving his motorcycle at a high rate of speed. He also failed to follow department policy by releasing property that was confiscated as evidence.
- A deputy, while off-duty and driving his personally owned vehicle, was stopped for a traffic violation and determined to be under the influence of intoxicating liquor.
- A sergeant, while off-duty and driving his personally owned vehicle, was found to be under the influence of intoxicating liquor. Since this occurred on tribal land, he was charged with Unlawful Possession of Liquor under Tribal Law.
- An officer exhibited poor work performance, unprofessional behavior and failed to follow supervisory directions.
- An officer supervised a female intern and engaged in inappropriate behavior.
- An officer failed to adequately conduct an inventory search of a vehicle and missed drugs and stolen identification. He also admitted to sleeping while on-duty in his patrol car on numerous occasions.
- A corporal failed to properly handle a found wallet call and it was later discovered the credit cards in the wallet were determined to be stolen.
- An officer, without authorization, signed the name of his supervisor on six accident reports.
- An officer made indecent gestures towards an academy basic training class as the class marched by in formation.
- An officer, while on-duty, on several occasions engaged in inappropriate behavior with different women. He also acted inappropriately toward a female officer.